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5 Counsel for Defendant JOSE MENDOZA

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA, )

No. CR-08-00631 JW

12 Plaintiff, )

13 v. )

**STIPULATION TO CONTINUE TRIAL  
SETTING CONFERENCE; [PROPOSED]  
ORDER**

14 JOSE MENDOZA )

15 Defendant. )  
16 \_\_\_\_\_ )

17  
18 Defendant and the government, through their respective counsel, hereby stipulate that,  
19 subject to the court's approval, the hearing date in the above-captioned matter, presently  
20 scheduled on Monday, November 10, 2008 be continued to Monday, November 17, 2008 at 1:30  
21 p.m. The continuance is necessary due to the unavailability of counsel for Mr. Mendoza.

22 The parties further agree and stipulate that time should be excluded from and including  
23 Monday, November 10, 2008 through and including Monday, November 17, 2008, to provide  
24 counsel reasonable time to prepare and for continuity of counsel, pursuant to Speedy Trial Act,  
25 18 U.S.C. §3161(h)(8)(A) and (B)(iv). Accordingly, the United States and the defendant agree  
26 that granting the requested

1 exclusion of time will serve the interest of justice and outweigh the interest of the public and  
2 defendant in a speedy trial.

3  
4 Dated: November 7, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
NICHOLAS P. HUMY  
Assistant Federal Public Defender

5  
6  
7 Dated: November 7, 2008

\_\_\_\_\_/s/\_\_\_\_\_  
CHAD MANDELL  
Assistant United States Attorney


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10  
11 **ORDER**

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13 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date  
14 presently set for Monday, November 10, 2008 will be continued to November 17, 2008 at 1:30  
15 p.m.

16  
17 IT IS FURTHER ORDERED, that the time between November 10, 2008 through and  
18 including November 17, 2008, shall be excluded to provide defense counsel reasonable time to  
19 prepare and for continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A)  
20 and (B)(iv).

21 IT IS SO ORDERED.

22  
23 Dated: November 7, 2008

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HONORABLE JAMES WARE  
United States District Judge